

# MUNICIPAL CHARTER FOR THE CITY OF BROOKLET

## ARTICLE I

### INCORPORATION AND POWERS

#### **Section 1.10 Name.**

This City and the inhabitants thereof, are reincorporated by the enactment of this Charter and are hereby constituted and declared a body politic and corporate under the name and style Brooklet, Georgia, and by that name shall have perpetual succession.

#### **Section 1.11 Corporate Boundaries.**

- (a) The boundaries of this City shall be those existing on the effective date of this Charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this City at all times shall be shown on a map, a written description or any combination thereof, to be retained permanently in the office of Clerk of the City, or alternatively, in the office of the Zoning Administrator, and to be designated, as the case may be:

“Official Map of the corporate limits/zoning classifications of the City of Brooklet, Georgia.”

Photographic, typed, or other copies of such map or description certified by the Clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

- (b) The City Council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries or changes in zoning classifications. All such modifications shall be noted on such map by the Zoning Administrator. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

#### **Section 1.12 Powers and Construction.**

- (a) This City shall have all powers possible for a City to have under the present or future constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter. This City shall have all the powers of self-government not otherwise prohibited by this Charter or by general law.

- (b) The powers of this City shall be construed liberally in favor the City. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this City.

**Section 1.13 Examples of Powers.**

- (a) Animal Regulations.

To regulate and license or to prohibit the keeping or running at-large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;

- (b) Appropriations and Expenditures.

To make appropriations for the support of the government of the City; to authorize the expenditure of money for any purposes authorized by this Charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the City;

- (c) Building Regulation.

To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, fire safety, electrical, gas, and heating and air conditioning codes; and to regulate all housing, and building trades;

- (d) Business Regulation and Taxation.

To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades and professions as authorized by Title 48 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;

- (e) Condemnation.

To condemn property, inside or outside the corporate limits of the City, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the

Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;

(f) Contracts.

To enter into contracts and agreements with other governmental entities and with private persons, firms and corporation;

(g) Emergencies.

To establish procedures for determining and proclaiming that an emergency situation exists within or without the City, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health or well-being of the citizens of the City;

(h) Environmental Protection.

To protect and preserve the natural resources, environment and vital areas of the City, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of stormwater and establishment of a stormwater utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

(i) Fire Regulations.

To fix and establish fire limits and from time to time to extend, enlarge or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;

(j) Garbage Fees

To levy, fix, assess, and collect a garbage, refuse and trash collection and disposal, and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the City from all individuals, firms, and corporations residing in or doing business therein benefiting from such services; to enforce the payment of such charges, taxes or fees; and to provide for the manner and method of collecting such service charges;

(k) General health, Safety and Welfare.

To define, regulate and prohibit any act, practice, conduct or use of property which is detrimental to health, sanitation, cleanliness, welfare,

and safety of the inhabitants of the City, and to provide for the enforcement of such standards;

(l) Gifts.

To accept or refuse gifts, donations, bequests or grants from any source for any purpose related to powers and duties of the City and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;

(m) Health and Sanitation.

To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(n) Jail Sentences.

To provide that persons given jail sentences in the City's court may work out such sentences if any public works or on the streets, roads, drains and other public property in the City, to provide for commitment of such persons to any jail, to provide for the use of pretrial diversion and any alternative sentencing allowed by law, or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

(o) Motor Vehicles.

To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys and walkways of the City;

(p) Municipal Agencies and Delegation of Power.

To create, alter or abolish departments, boards, offices, commissions and agencies of the City, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

(q) Municipal Debts.

To appropriate and borrow money for the payment of debts of the City and to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized by this charter or the laws of the State of Georgia;

(r) Municipal Property Ownership.

To acquire, dispose of, lease, and hold in trust or otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the City;

(s) Municipal Property Protection.

To provide for the preservation and protection of property and equipment of the City, and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;

(t) Municipal Utilities.

To acquire, lease, construct, operate, maintain, sell and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, stormwater management, gas works, electric light plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties, and to provide for the withdrawal of service for refusal or failure to pay the same;

(u) Nuisance.

To define a nuisance and provide for its abatement whether on public or private property;

(v) Penalties.

To provide penalties for violation of any ordinances adopted pursuant to the authority of this Charter and the laws of the State of Georgia;

(w) Planning and Zoning.

To provide comprehensive City planning for development by zoning; and to provide subdivision regulation and the like as the City Council deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

(x) Police and Fire Protection.

To exercise the power of arrest through duly appointed police officers, and to establish, operate, or contract for a police and a firefighting agency;

(y) Public Hazards: Removal.

To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

(z) Public Improvements.

To provide for the acquisition, construction, building, operation and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal and medical institutions, agencies and facilities; and to provide any other public improvements, inside or outside the corporate limits of the City; to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;

(aa) Public Peace.

To provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots, and public disturbances;

(bb) Public Transportation.

To organize and operate such public transportation systems as are deemed beneficial;

(cc) Public Utilities and Services.

To grant franchises or make contracts for, or impose taxes on public utilities and public service companies; and to prescribe the rates, fares, regulations and standards conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;

(dd) Regulation of Roadside Areas.

To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within or abutting the corporate limits of the City; and to prescribe penalties and punishment for violation of such ordinances;

(ee) Retirement.

To provide and maintain a retirement plan and other employee benefit plans and programs for officers and employees of the City;

(ff) Roadways.

To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the City; and to grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;

(gg) Sewer Fees.

To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining and extending of a sewage disposal plant and sewerage system, and to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose and collect a sewer connection fee or fees to those connected with the system;

(hh) Solid Waste Disposal.

To provide for the collection and disposal of garbage, rubbish and refuse, and to regulate the collection and disposal of garbage, rubbish and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials, and to provide for the sale of such items;

(ii) Special Areas of Public Regulation.

To regulate or prohibit junk dealers, the manufacture and sale of intoxicating liquors; to regulate the transportation, storage and use of combustible, explosive and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult bookstores to certain areas;

(jj) Special Assessments.

To levy and provide for the collection of special assessments to cover the costs for any public improvements.

(kk) Taxes; Ad Valorem.

To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

(ll) Taxes: Other.

To levy and collect such other taxes as may be allowed now or in the future by law;

(mm) Taxicabs.

To regulate and license vehicles operated for hire in the City; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;

(nn) Urban Redevelopment.

To organize and operate an urban redevelopment program;

(oo) Other Powers.

To exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; and to exercise all implied powers necessary or desirable to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing or particular powers of this Charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

(pp) *Advertising and promotion of city.* To advertise and promote the advantages of the city, and to encourage and promote tourism and positive exposure for the city, in such manner that shall be determined by the Mayor



and Council of the city, including, but not limited to, the promotion and sponsorship of festivals and parades within the city, and to appropriate funds for such purposes.

**Section 1.14 Exercise of Powers.**

All powers, functions, rights, privileges, and immunities of the City, its officers, agencies, or employees shall be carried into execution as provided by this Charter. If this Charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

**ARTICLE II**

**GOVERNMENT STRUCTURE**

**Section 2.10 City Council Creation; Number; Election.**

The municipal government of the City of Brooklet shall consist of the mayor and five (5) members of council who are constituted a body corporate under the name and style of the "Mayor and City Council of Brooklet", and by such name they shall have perpetual succession.

**Section 2.11 Terms and Qualifications For Office.**

- (a) The mayor and members of the City Council shall serve for terms of four (4) years and until their respective successors are duly elected and qualified. No person shall be eligible to serve as council member unless he or she has been a resident of the City for twelve (12) months immediately preceding the election. Each member of the City Council shall continue to reside within the City during his or her entire term of office and shall be registered and qualified to vote in the municipal elections of the City;
- (b) Persons qualifying for the City Council must have attained the age of eighteen (18) years;
- (c) Persons qualifying for the position of mayor shall have attained the age of eighteen (18) years and must have been a resident of the City of Brooklet for at least twelve (12) months.

**Section 2.12 Designation of Council Posts.**

In order to provide for the staggered election of council members, the council of the Town of Brooklet is hereby divided into five (5) council member posts:

The position presently occupied by Councilman Hubert Keith Roughton is hereby designated Council member Post No. 1.

The position presently occupied by Councilman Bradley Anderson is hereby designated Council member Post No. 2.

The position presently occupied by Councilman Rebecca Kelly is hereby designated Council member Post No. 3.

The position presently occupied by Councilman James Harrison is hereby designated Council member Post No. 4.

The position presently occupied by Councilman Johnathan is hereby designated Council member Post No. 5.

Elections shall be held in the year 2025 and thereafter every four (4) years for the mayor and the council members for Posts number 1 and 2, such individuals to be elected for four-year terms of office. Elections shall be held in the year 2027 and thereafter every four (4) years for council members for Posts 3, 4 and 5, such individuals to be elected for four-year terms of office.

### **Section 2.13 Oath of Office.**

The oath of office to be administered to newly elected members of council and the mayor shall be as follows:

“I do solemnly swear or affirm that:

I will faithfully execute the office of \_\_\_\_\_ of the City of Brooklet, and to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the Charter, Ordinances, and Regulations of the City of Brooklet.

I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof;

I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which by the laws of the State of Georgia I am prohibited from holding;

I am otherwise qualified to hold said office according to the Constitution and laws of Georgia;

I have been a resident of the City of Brooklet for the time required by the Constitution and the laws of this state;

I will perform the duties of my office in the best interest of the City of Brooklet and to the best of my ability without fear, favor, affection, reward or expectation thereof.”

**Section 2.14 Vacancy Declared In Office of Mayor and Council If Officer Changes Residency To One Outside City.**

The mayor and each member of the council of the City shall reside within the corporate limits of the City during their terms of office. If any officer changes residency to one outside of the City, such office shall be declared vacant.

**Section 2.15 Filling Vacancy In Office of Mayor, Member of Council.**

- (a) In case of a vacancy in the office of mayor or council member caused by death, resignation, failure to elect, or removal of residency, or for any other reason, the City will hold an election to elect a mayor or council member for the unexpired term, in accordance with O. C. G. A. Title 21, Chapter 2, the “Georgia Election Code”;
- (b) The mayor and council members elected as provided in this Section shall take the oath of office prescribed in Section 2.13 of this Act before entering upon the duties of office.

**Section 2.16 Mayor Pro Tempore; Selection, Function, Duties.**

The City Council shall, at its first meeting after election and qualification, elect one of its members as mayor pro tempore, who shall, in the absence or disqualification of the mayor, be the presiding officer of the City Council, shall be allowed to vote on all questions, and shall, in the absence or disqualification of the mayor, exercise all the functions of the office of mayor; and all the duties, powers, rights, and privileges conferred by this Charter upon the mayor.

**Section 2.17 Meetings, Minutes, Proceedings of Council.**

- (a) The City Council shall be presided over at its meetings by the mayor or, in his absence, by the mayor pro tem. Three (3) council members shall constitute a quorum and shall be authorized to transact the business of the Council. In the event vacancies in office result in less than a quorum of council members holding office, then the remaining council members in office shall constitute a quorum and shall be authorized to transact the business of the City Council. A vote of a majority of the remaining council members shall be required for the adoption of any ordinance, resolution, or motion. The Council shall cause to be kept in a well-bound

book an accurate record of all its proceedings, by-laws, acts, orders, ordinances, and resolutions, which book shall be fully indexed and open to the public. The Council shall hold monthly, semi-monthly, or weekly sessions as it may determine, and the mayor, mayor pro tem, or three (3) members of council may cause to be held such other and additional meetings as emergencies may, in his/her/their discretion, require;

- (b) The City Council shall have power and authority to enact such ordinances from time to time as it may deem necessary to enforce the provisions of this Charter. Voting on the adoption of ordinances shall be taken by a voice vote and shall be recorded in the official minutes, but any member of the Council shall have the right to request a roll-call vote. The affirmative vote of a majority of the members present shall be required for the adoption of any ordinance, resolution, or motion, except as otherwise provided in this Charter;
- (c) The City Council shall hold regular meetings at such times and places as prescribed by ordinance. Unless otherwise modified by ordinance, the regularly scheduled monthly meeting of the mayor and city council shall be at 7:00 P. M. on the third Thursday of each month. Regular monthly meetings may be rescheduled in the event of conflicts or other circumstances;
- (d) Special meetings of the City Council may be held on call of the mayor or a majority of members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least forty-eight (48) hours in advance of the meeting. Such notice to council members shall not be required of the mayor and all council members who are present when the special meeting is called. Such notice of any special meeting may be waived by a council member or mayor in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such council member's or mayor's presence. Only the business stated in the call may be transacted at the special meeting;
- (e) All meetings of the City Council shall be public to the extent required by law and notice to the public of special meetings shall be made fully as is reasonably possible twenty-four (24) hours prior to such meetings;
- (f) Executive sessions of the Council may be held for the purpose of conducting business excepted from public access requirements as authorized in Chapter 14 of Title 50 of the Official Code of Georgia Annotated, presently in effect, or as may hereafter be amended. Where a meeting of the Council is devoted in part to matters within the authorized exceptions to public access requirements, any portion of the meeting not subject to any such exceptions shall be open to the public. No executive

session shall be held except pursuant to a majority affirmative vote of the City Council taken in a public meeting. The minutes of the public meeting shall reflect the names of council members present, those voting for the executive session and the specific reasons for the executive session. Minutes of the executive session may be maintained by the Clerk of the City Council upon a majority vote of the Council. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosure, except that disclosures of such portions of minutes identifying real estate to be acquired by the Council may only be delayed until such time as the acquisition of the real estate has been completed, terminated, or abandoned or court proceedings have been initiated;

- (g) All council members except the mayor shall have one vote each. As noted in Section 2.18, the mayor shall have one vote if and only if there is a tie in the votes of the other council members;
- (h) It shall be optional for the City Council to have posted any measure, ordinance, or resolution at such place in the City as it may direct, for the information of the public, or it may have the same published in any newspaper of the City, but failure to so post or publish any ordinance, measure, or resolution shall in no wise operate to render same void.

**Section 2.18 Mayor.**

- (a) The mayor is responsible for the orderly conduct of the meetings. In order to fulfill this duty, the mayor must enforce the rules of procedure that are adopted by the city council. The mayor shall be impartial and conduct the meetings in a fair manner. The mayor may not introduce motions or second a motion except that the mayor may introduce or second a motion to go into executive session;
- (b) The mayor shall not vote except in the case of a tie vote among the council members, the mayor may then vote to break the tie. The mayor shall propose appointments to various boards, authorities, councils, and committees, which appointments must be subsequently ratified by majority of the city council, all subject to statutes of general application;
- (c) The mayor shall:
  - (1) Preside at all meetings of the City Council;
  - (2) Be the head of the City for the purpose of service of process and for ceremonial purposes, and be the official spokesperson for the City and the chief advocate of policy;
  - (3) Have power to administer oaths and to take affidavits; and

- (4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances and other instruments executed by the City which by law are required to be in writing.

**Section 2.19 Compensation and Expenses.**

The mayor and council members shall receive compensation and expenses for their services as provided by ordinance.

**Section 2.20 Conflicts of Interest; Holding Other Offices; Nepotism.**

- (a) Elected and appointed officers of the City are trustees and servants of the residents of the City and shall act in a fiduciary capacity for the benefit of such residents;
- (b) Conflict of Interest – No elected official, appointed officer, or employee of the City or any agency or political entity to which this Charter applies shall knowingly:
  - (1) Engage in any business or transaction, or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of the official's judgment or action in the performance of those official duties;
  - (2) Engage in or accept private employment, or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of the official's judgment or action in the performance of those official duties;
  - (3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Title 50, Chapter 14 of the Official Code of Georgia Annotated, concerning the property, government, or affairs of the governmental body by which the official is engaged without proper legal authorization; or use such information to advance the financial or other private interest of the official or others;
  - (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm or corporation which to the official's knowledge is interested, directly or indirectly, in any

manner whatsoever, in business dealings with the governmental body by which the official is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

- (5) Represent other private interests in any action or proceeding against this City or any portion of its government; or
  - (6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which the official has a financial interest.
- (c) Disclosure – Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the City shall disclose such interest to the City Council. The mayor or any council member who has a financial interest in any matter pending before the City Council shall disclose such interest and such disclosure shall be entered on the records of the City Council, and that official shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such interest to the governing body of such agency or entity;
- (d) Use of Public Property – No elected official, appointed officer, or employee of the City or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit or profit but shall use such property only in their capacity as an officer or employee of the City;
- (e) Contracts Voidable and Rescindable – Any violation of this Section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the City Council;
- (f) Ineligibility of Elected Official – Except where authorized by law, neither the mayor nor any council member shall hold any other elective or appointive office in the City or otherwise be employed by said government or any agency thereof during the term for which that official was elected. No former mayor and no former council member shall hold any appointive office in the City until one (1) year after the expiration of the term for which that official was elected;

- (g) Political Activities of Certain Officers and Employees – No appointive officer of the City shall continue in such employment upon qualifying as a candidate for nomination or election to any public office. No employee of the City shall continue in such employment upon qualifying for or election to any public office in this City or any other public office which is inconsistent, incompatible or in conflict with the duties of the City employee. Such determination shall be made by the council either immediately upon election or at any time such conflict may arise.
- (h) Penalties For Violation
  - (1) Any City officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this Section shall be guilty of malfeasance in office or position and shall be deemed to have forfeited that person's office or position;
  - (2) Any officer or employee of the City who shall forfeit an office or position as described in Paragraph (1) above, shall be ineligible for appointment or election to or employment in a position in the City government for a period of three (3) years thereafter.
- (i) Nepotism - No immediate family member of the mayor or City council member shall be employed by the City during the term for which the mayor or City council member has been elected.

#### **Section 2.21 Inquiries and Investigations.**

The City Council may make inquiries and investigations into the affairs of the City and the conduct of any department, office or agency thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the City Council shall be punished as provided by this charter or ordinance.

#### **Section 2.22 Rules of Procedure.**

- (a) **Main motion.** In order for the Council to take any official action on any subject, a council member must propose a main motion. A proposed main motion will not be recognized by the mayor until another council member agrees to second the motion. This Section does not require the council member seconding the motion to support the motion. A council member may withdraw a main motion that he has made at the time before the council has voted on the motion;
- (b) **Debate.** After the main motion is recognized by the mayor, the Council shall debate the motion. The debate shall be managed by the mayor in a



manner that is fair to all members of the council. During the course of the debate, council members may introduce subsidiary motions that propose that the Council take a particular action on a motion, i. e., to postpone indefinitely, amend, refer to committee, and postpone to a time certain. Subsidiary motions require a second before they can be voted on or debated. Motions to recess and adjourn require a second.

- (i) **Voting Procedure.** Voting on motions shall take place in accordance with the following provisions.
  - (3) If debate has been completed and no other council member wishes to speak, the mayor can call for the vote. If there are no objections, then the mayor can proceed with the vote.
  - (4) If the mayor calls for the vote and there is an objection, a member of the Council may move to vote immediately (“move the previous question”). If this motion is seconded and approved by a two-third’s vote, debate will stop. The mayor will then read the proposed motion to the council and ask for the votes of the council members.

**Section 2.23 Ordinance Form; Procedures.**

- (a) All ordinances passed subsequent to the current Code which amend, repeal or in any way affect the current Code must be numbered in accordance with the numbering system of the current Code and printed for inclusion herein. In the case of repealed chapters, sections and subsections or any part thereof, by subsequent ordinances, such repealed portions may be excluded from the Code by omission from reprinted pages affected thereby. The subsequent ordinances as numbered and printed are omitted, in the case of repeal, shall be prima facie evidence of such subsequent ordinances until such time that the current Code and subsequent ordinances numbered or omitted are re-adopted as new Code by the City Council;
- (b) Amendments to any of the provisions of this Code may be made by amending such provision by specific reference to the section number of this Code in the following language: “Section \_\_\_\_\_ of the Code of Ordinances, City of Brooklet, Georgia, is hereby amended to read as follows ...” The new Section shall then be set out in full as desired;
- (c) If a new section not heretofore existing in the Code is to be added, the following language may be used: “The Code of Ordinances, City of Brooklet, Georgia is hereby amended by adding Section (or Article or Chapter) to be numbered \_\_\_\_\_, which Section reads as follows ...” The new Section may then be set out in full as desired;

- (d) All Sections, Articles, Chapters or provisions desired to be repealed should be specifically repealed by Section, Article or Chapter Number, as the case may be;
- (e) An ordinance may be introduced by any council member and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in Section 2-25. Upon introduction of any ordinance, the Clerk shall as soon as possible distribute a copy to the mayor and to each council member and shall file a reasonable number of copies in the Office of the Clerk at such other public places as the city council may designate.

#### **Section 2.24 Action Requiring an Ordinance.**

Acts of the City Council which have the force and effect of law shall be enacted by ordinance.

#### **Section 2.25 Emergencies.**

To meet a public emergency affecting life, health, property or public peace, the City Council may convene on call of the mayor or three (3) council members and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within thirty (30) days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists, and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three (3) council members shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed thirty (30) days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this Section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.

#### **Section 2.26 Code of Technical Regulations.**

- (a) The City Council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that :

1. The requirements of Section 2.23 for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and
  2. A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the Clerk pursuant to Section 2.27.
- (b) Copies of any adopted code of technical regulations shall be made available by the Clerk for distribution or for purchase at a reasonable price.

**Section 2.27 Signing; Authenticating; Recording; Codification; Printing.**

- (a) The Clerk shall authenticate by his/her signature and record in full in a properly indexed book kept for that purpose, all ordinances adopted by the Council.
- (b) The City Council shall provide for the preparation of a general codification of all the ordinances of the City having the force and effect of law. The general codification shall be adopted by the City Council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the City Council may specify. This compilation shall be known and cited officially as the "The Code of the City of Brooklet, Georgia". Copies of the Code shall be furnished to all officers, departments and agencies of the City, and may be made available for purchase by the public at a reasonable price as fixed by the City Council.

**Section 2.28 General Power and Authority.**

- (a) Except as otherwise provided by law or this Charter, the City Council shall be vested with all the powers of government of this City;
- (b) In addition to all other powers conferred upon it by law, the Council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this Charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Brooklet and may enforce such ordinances by imposing penalties for violation thereof.

**Section 2.29 Eminent Domain.**

The City Council is hereby empowered to acquire, construct, operate and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal, and medical institutions, agencies and facilities, and any other public improvements inside or outside the City, and to regulate the use thereof, and for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

**Section 2.30 City Manager; Appointment; Qualifications; Compensation.**

The City Council shall appoint a city manager for an indefinite term and shall fix the manager's compensation. The manager shall be appointed solely on the basis of executive and administrative qualifications.

**Section 2.31 Removal of City Manager.**

(a) The City Council may remove the manager from office in accordance with the following procedures:

1. The City Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the manager;
2. Within five (5) days after a copy of the resolution is delivered to the manager, the manager may file with the City Council a written request for a public hearing. This hearing shall be held within thirty (30) days after the request is filed. The manager may file with the Council a written reply not later than five (5) days before the hearing;
3. If the manager has not requested a public hearing within the time specified in Paragraph 2 above, the City Council may adopt a final resolution for removal, which may be made effective immediately, but an affirmative vote of a majority of all its members. If the manager has requested a public hearing, the City Council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members at any time after the public hearing;

(b) The manager may continue to receive a salary until the effective date of a final resolution of removal.

### **Section 2.32 Acting City Manager.**

By letter filed with the City Clerk, the manager shall designate, subject to approval of the City Council, a qualified city administrative officer to exercise the powers and perform the duties of manager during the manager's temporary absence or physical or mental disability. During such absence or disability, the City Council may revoke such designation at any time and appoint another officer of the City to serve until the manager shall return or the manager's disability shall cease.

### **Section 2.33 Powers and Duties of the City Manager.**

The city manager shall be the chief executive and administrative officer of the City. The manager shall be responsible to the City Council for the administration of all city affairs placed in the manager's charge by or under this Charter. As the chief executive and administrative officer, the manager shall:

- (a) appoint and, when the manager deems it necessary for the good of the City, suspend or remove all city employees and administrative officers the manager appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this Charter. The manager may authorize any administrative officer who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (b) direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law;
- (c) attend all City Council meetings except for closed meetings held for the purposes of deliberating on the appointment, discipline or removal of the city manager and have the right to take part in discussion but not vote;
- (d) see that all laws, provisions of this Charter, and acts of the City Council, subject to enforcement by the manager or by officers subject to the manager's direction and supervision, are faithfully executed;
- (e) prepare and submit the annual operating budget and capital budget to the City Council;
- (f) submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;

- (g) make such other reports as the City Council may require concerning the operations of city departments, offices and agencies subject to the manager's direction and supervision;
- (h) keep the City Council fully advised as to the financial condition and future needs of the City, and make such recommendations to the City Council concerning the affairs of the City as the manager deems desirable; and
- (i) perform other such duties as are specified in this Charter or as may be required by the City Council.

**Section 2.34 Council Interference With Administration.**

Except for the purpose of inquiries and investigations under Section 2.21, the City Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the manager solely through the manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately.

**ARTICLE III**

**ADMINISTRATIVE AFFAIRS**

**Section 3.10 Administrative and Service Departments.**

- (a) Except as otherwise provided in this Charter, the City Council, by ordinance, shall prescribe the functions or duties, and establish, abolish, alter, consolidate or leave vacant all non-elective offices, positions of employment, departments and agencies of the City, as necessary for the proper administration of the affairs and government of this City;
- (b) Except as otherwise provided by this Charter or by law, the directors of departments and other appointed officers of the City shall be appointed solely on the basis of their respective administrative and professional qualifications;
- (c) All appointive officers and directors of departments shall receive such compensation as prescribed by ordinance or resolution;
- (d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the city manager, be responsible for the administration and direction of the affairs and operations of that director's department or agency;

- (e) All appointive officers and directors under the supervision of the city manager shall be nominated by the city manager with confirmation of appointment by the City Council. All appointive officers and directors shall be employees at-will and subject to removal or suspension at any time by the city manager unless otherwise provided by law or ordinance.

**Section 3.11 Boards, Commission and Authorities.**

- (a) The City Council shall create by ordinance such boards, commissions and authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the City Council deems necessary, and shall by ordinance establish the composition, period of existence, duties and powers thereof;
- (b) All members of boards, commissions and authorities of the City shall be appointed by the City Council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this Charter or by law;
- (c) The City Council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission or authority;
- (d) Except as otherwise provided by Charter or by law, no member of any board, commission or authority shall hold any elective office in the City;
- (e) Any vacancy on a board, commission or authority of the City shall be filled for the unexpired term in the manner prescribed herein for original appointment, except as otherwise provided by this Charter or by law;
- (f) No member of a board, commission or authority shall assume office until that person has executed and filed with the Clerk of the City an oath obligating himself to faithfully and impartially perform the duties of that member's office, such oath to be prescribed by ordinance and administered by the mayor;
- (g) All board members serve at-will and may be removed at any time by a vote of three (3) members of the City Council unless otherwise provided by law;
- (h) Except as otherwise provided by this Charter or by law, each board, commission or authority of the City shall elect one of its members as chair and one member as vice-chair, and may elect as its secretary one of its own

members or may appoint as secretary an employee of the City. Each board, commission or authority of the city government may establish such bylaws, rules and regulations, not inconsistent with this charter, ordinances of the City, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the Clerk of the City.

### **Section 3.12 City Attorney.**

The City Council shall appoint a city attorney, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the City. The city attorney shall be responsible for providing for the representation and defense of the City in all litigation in which the City is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the Council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the City's affairs; and shall perform such other duties as may be required by virtue of the person's position as city attorney.

The city attorney is not a public official of the city and does not take an oath of office. The city attorney shall at all times be an independent contractor. A law firm, rather than an individual, may be designated as the city attorney.

### **Section 3.13 City Clerk.**

The city manager shall appoint a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal and city records; maintain city council records required by this Charter; and perform such other duties as may be required by the City Council.

## **PERSONNEL ADMINISTRATION**

### **Section 3.14 Position Classification and Pay Plans.**

The city manager shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the City Council for approval. Such plan may apply to all employees of the City and any of its agencies, departments, boards, commissions or authorities. When a pay plan has been adopted, the City Council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. For purposes of this Section, all elected and appointed city officials are not city employees.

### **Section 3.15 At-will employer; advisory rules.**



(a) At-will employer. The City of Brooklet is and at-will employer pursuant to Georgia law. Employees may be terminated at any time with or without cause or advance notice by the city manager. Any rules, regulations or ordinances adopted or practiced with respect to due process and discipline are advisory in nature, and shall not create contractual obligations on the part of employees or the city, and shall not alter the at-will employment relationship.

(b) Advisory provisions regarding due process and discipline. The city council is authorized to enact advisory policies and provisions regarding procedures for discipline and due process with respect to city personnel, provided that such policies and procedures shall be advisory only, and shall not alter the at-will employment relationship as provided for in this Charter.

## ARTICLE IV

### JUDICIAL BRANCH

#### **Section 4.10 Creation; Name.**

There shall be a court to be known as the Municipal Court of the City of Brooklet.

#### **Section 4.11 Judge of the Municipal Court of the City of Brooklet.**

- (a) The municipal court shall be presided over by the Judge of the City of Brooklet. The Judge shall be appointed by the mayor and council. The Judge shall serve at the pleasure of the City Council, and may be removed by a majority vote of three (3) members of the City Council;
- (b) No person shall be qualified or eligible to serve as a Judge on the municipal court unless he shall have attained the age of twenty-one (21) years and shall be a member of the State Bar of Georgia;
- (c) Before assuming office, the Judge shall take an oath, given by the mayor, that he will honestly and faithfully discharge the duties of his office to the best of his ability and without fear, favor or partiality.

#### **Section 4.12 Convening.**

The municipal court shall be convened at regular intervals as determined by the mayor and council.

#### **Section 4.13 Jurisdiction, Powers.**

- (a) The municipal court shall try and punish violations of this Charter, all City Ordinances, and such other violations as provided by law;

- (b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not be in excess of Two Hundred & No/100 (\$200.00) Dollars or ten (10) days in jail;
- (c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of One Thousand & No/100 (\$1,000.00) Dollars, or imprisonment for six (6) months, or both such fine and imprisonment, or may fix punishment by fine, imprisonment or alternative sentencing as now, or hereafter provided by law;
- (d) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court, and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant the defendant's sureties with a rule nisi, at least two (2) days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes;
- (e) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments and sentences; and to administer such oaths as are necessary;
- (f) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served and executed by any officer as authorized by this Charter or by law;
- (g) The judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the City, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the City;
- (h) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation, and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law;

- (i) The municipal court judge of the City is authorized to issue warrants for the arrest of all persons charged, upon affidavits made before the judge, with having committed within the limits of the City of Brooklet, offenses against any ordinance of the City or penal law of the state, and to take examination of such persons, and the same to discharge or commit to the county jail or let to bail, according to law, to answer such charge before the court having jurisdiction, all of which warrants shall be addressed to “the Chief of Police of Brooklet, Georgia, or any lawful policeman thereof, and to all and singular the sheriffs, deputy sheriffs, and constables of this state,” and any one of the officers shall have the same authority to execute the warrants as the sheriffs of this state have to execute criminal warrants.

#### **Section 4.14 Certiorari.**

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Bulloch County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

#### **Section 4.15 Rules of Court.**

With the approval of the City Council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the City Council may adopt in part or in toto the rules and regulations applicable to Superior Courts.

### **ARTICLE V**

#### **ELECTIONS AND REMOVAL**

##### **A. GENERAL LAW.**

#### **Section 5.10 Applicability of General Law.**

All elections shall be held and conducted in accordance with the Georgia Election Code (Title 21, Chapter 2 of the Official Code of Georgia Annotated) as now or hereafter amended.

#### **Section 5.11 Non-Partisan Elections.**

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designations.

**Section 5.12 Election by Plurality.**

The person receiving a plurality of the votes cast for any city office shall be elected.

**B. OTHER PROVISIONS**

**Section 5.13 Other Provisions.**

Except as otherwise provided by this Charter, the City Council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the Georgia Election Code.

**Section 5.14 Removal of Officers.**

- (a) The mayor, council members, or other appointed officers provided for in this Charter shall be removed from office for any one or more of the following causes:
  - (1) Incompetence, misfeasance, or malfeasance in office;
  - (2) Conviction of a crime involving moral turpitude;
  - (3) Failure at any time to possess any of the qualifications of office as provided by this Charter or by law;
  - (4) Knowingly violating any express prohibition of this Charter;
  - (5) Abandonment of office or neglect to perform the duties thereof;
  - (6) Failure for any other cause to perform the duties of office as required by this Charter or by state law.
- (b) Removal of an officer pursuant to subsection of this Section shall be accomplished by one of the following methods:
  - (1) By the vote of three (3) council members after an investigative hearing. In the event an elected officer is sought to be removed by the action of the City Council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten (10) days after the service of such written notice. Any elected officer sought to be removed from office as herein provided shall have the right of appeal from the decision of the City Council to the Superior Court of Bulloch County. Such appeal shall be governed by the

same rules as govern appeals to the Superior Court from the Probate Court;

- (2) By an order of the Superior Court of Bulloch County, Georgia, following a hearing on a complaint seeking such removal brought by any resident of the City of Brooklet.

## ARTICLE VI

### FINANCE

#### **Section 6.10 Property Tax**

The City Council may assess, levy and collect an ad valorem tax on all real and personal property within the corporate limits of the City that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the City Council in its discretion.

#### **Section 6.11 Millage Rate; Due Dates; Payment Methods.**

The City Council shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The City Council, by ordinance, may provide for the payment of these taxes by two (2) installments or in one (1) lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

#### **Section 6.12 Occupation and Business Taxes.**

The City Council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. The City Council may classify businesses, occupations or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18.

#### **Section 6.13 Regulatory Fees; Permits.**

The City Council by ordinance shall have the power to require businesses or practitioners doing business within this City to obtain a permit for such activity from the City and pay a reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect the total cost to the City of regulating the activity, and if unpaid, shall be collected as provided in Section 6.18.

#### **Section 6.14 Franchises.**

- (a) The City Council shall have the power to grant franchises for the use of this City's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations. The City Council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of thirty-five (35) years and no franchise shall be granted unless the City receives just and adequate compensation therefor. The City Council shall provide for the registration of all franchises with the City Clerk in a registration book kept by the Clerk. The City Council may provide by ordinance for the registration within a reasonable time of all franchises previously granted;
- (b) If no franchise agreement is in effect, the City Council has the authority to impose a tax on gross receipts for the use of this City's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations.

**Section 6.15 Service Charges.**

The City Council by ordinance shall have the power to assess and collect fees, charges, assessments, and tolls for sewers, sanitary and health services, or any other services provided or made available within and without the corporate limits of the City. If unpaid, such charges shall be collected as provided in Section 6.18.

**Section 6.16 Special Assessments.**

The City Council by ordinance shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners. If unpaid, such charges shall be collected as provided in Section 6.18.

**Section 6.17 Construction; Other Taxes and Fees.**

This City shall be empowered to levy any other tax or fee allowed now or hereafter by law, and the specific mention of any right, power or authority in this Article shall not be construed as limiting in any way the general powers of this City to govern its local affairs.

**Section 6.18 Collection of Delinquent Taxes and Fees.**

The City Council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the City under Section 6.10 through 6.17 by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi. fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

#### **Section 6.19 General Obligation Bonds.**

The City Council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized under this Charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

#### **Section 6.20 Revenue Bonds.**

Revenue bonds may be issued by the City Council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program or venture for which they were issued.

#### **Section 6.21 Short-Term Loans.**

The City may obtain short-term loans and must repay such loans not later than December 31<sup>st</sup> of each year, unless otherwise provided by law.

#### **Section 6.22 Lease-Purchase Contracts.**

The City may enter into multiyear lease, purchase or lease purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year in which it was executed and at the close of each succeeding calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of Section 36-60-13 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted.

#### **Section 6.23 Fiscal Year.**

The City Council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency and activity of the city government unless otherwise provided by state or federal law.

#### **Section 6.24 Preparation of Budgets.**

The City Council may provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement plan and a capital budget, including requirements as to the scope, content and form of such budgets and plans.

**Section 6.25 Submission of Operating Budget to City Council.**

On or before a date fixed by the City Council but not later than sixty (60) days prior to the beginning of each fiscal year, the city manager shall submit to the City Council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the City, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other pertinent comments and information. The operating budget and the capital budget hereinafter provided for, the budget message, and all supporting documents shall be filed in the office of the City Clerk and shall be open to public inspection.

**Section 6.26 Action by City Council on Budget.**

- (a) The City Council may amend the operating budget proposed by the city manager; except, that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues;
- (b) The City Council shall adopt the final operating budget for the ensuing fiscal year not later than the third Thursday of June each year. If the City Council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the City Council adopts a budget for the ensuing fiscal year;
- (c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotment thereof, to which it is chargeable.

**Section 6.27 Tax Levies.**

The City Council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinances shall be such that reasonable estimates or revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances and applicable reserves, to equal the total amount appropriated for each of the



several funds set forth in the annual operating budget for defraying the expenses of the general government of this City.

**Section 6.28 Changes in Appropriations.**

The City Council by ordinance may make changes in the appropriations contained in the current operating budget, at any regular meeting, special or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unexpended surplus.

**Section 6.29 Capital Budget.**

- (a) On or before the date fixed by the City Council but no later than sixty (60) days prior to the beginning of each fiscal year, the city manager shall submit to the City Council a proposed capital improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The City Council shall have power to accept, with or without amendments, or reject the proposed plan and proposed budget. The City Council shall not authorize an expenditure for the construction of any building, structure, work or improvement, unless the appropriations for such project are included in the capital budget, except to meet a public emergency as provided in Section 2.25;
- (b) The City Council shall adopt the final capital budget for the ensuing fiscal year not later than the third Thursday of June each year. No appropriation provided for in a prior capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, the city manager may submit amendments to the capital budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital budget shall become effective only upon adoption.

**Section 6.30 Independent Audit.**

There shall be an annual independent audit of all city accounts, funds and financial transactions by a certified public accountant selected by the City Council. The audit shall be conducted according to generally accepted auditing principles. Any audit of any funds by the state or federal governments may be accepted as satisfying the requirements of this Charter. Copies of annual audit reports shall be available at printing costs to the public.

**Section 6.31 Contracting Procedures.**

No contract with the City shall be binding on the City unless:

- (a) It is in writing;

- (b) It is made or authorized by the City Council and such approval is entered in the official minutes of the city council meeting.

**Section 6.32 Centralized Purchasing.**

The City Council shall by ordinance prescribe procedures for a system of centralized purchasing for the City.

**Section 6.33 Sale and Lease of City Property.**

- (a) The City Council may sell and convey, or lease any real or personal property owned or held by the City for governmental or other purposes as now or hereafter provided by law;
- (b) The City Council may quit claim any rights it may have in property not needed for public purposes upon report by the city manager and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the City has no readily ascertainable monetary value;
- (c) Whenever in opening, extending or widening any street, avenue, alley or public place of the City, a small parcel or tract of land is cutoff or separated by such work from a larger tract or boundary of land owned by the City, the City Council may authorize the city manager to sell and convey said cutoff or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the enjoyment of the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights-of-way of said street, avenue, alley or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the City has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

**ARTICLE VII**

**GENERAL PROVISIONS**

**Section 7.10 Bonds for Officials.**

The officers and employees of this City, both elective and appointive, shall execute such surety or fidelity bonds in such amounts and upon such terms and

conditions as the City Council shall from time to time require by ordinance or as may be provided by law.

**Section 7.11 Prior Ordinances.**

All ordinances, resolutions, rules and regulations now in force in the City not inconsistent with this Charter are hereby declared valid and of full effect and force until amended or repealed by the City Council including, but not limited to, those presently codified, the same being affirmed by this Charter.

**Section 7.12 Existing Personnel and Officers.**

Except as specifically provided otherwise by this Charter, all personnel and officers of the City and their rights, privileges and powers shall continue beyond the time this Charter takes effect as if the personnel and officers were appointed, hired, or elected under this Charter.

**Section 7.13 Pending Matters**

Except as specifically provided otherwise by this Charter, all rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city agencies, personnel or offices as may be provided by the City Council.

**Section 7.14 Construction.**

- (a) Section captions in this Charter are informative only and are not to be considered as a part thereof;
- (b) The word "shall" is mandatory and the word "may" is permissive;
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

**Section 7.15 Severability.**

If any article, section, subsection, paragraph, sentence, or part thereof of this Charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this Charter unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it being the legislative intent in enacting this Charter that each article, section, subsection, paragraph, sentence or part thereof be enacted separately and independent of each other.

**Section 7.16 Specific Repealer.**

An Act incorporating the City of Brooklet in the County of Bulloch, approved May 17, 2004 (2004 Ga. Laws, p. 3989), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety. All other laws and parts of laws in conflict with this Charter are hereby repealed.

**Section 7.17 Effective Date.**

This Charter shall become effective upon approval by the Governor or upon its becoming law without such approval.

**Section 7.18 General repealer.**

All other laws and parts of laws in conflict with this Act are repealed.